Cr.R. 104 of 2007

7.9.2007 Present: Mr. Sanjeev Bhushan, counsel for the petitioner.

Mr.Rakesh Thakur, counsel for the respondent.

This criminal revision is directed against the order of the learned Additional Sessions Judge (Presiding Officer) Fast Track Court, Solan dated 12.7.2007 in Case No. IFTC/10 of 2007, whereby he has upheld the judgment of the Judicial Magistrate Ist Class, Nalagarh convicting the petitioner-accused of having committing an offence under Section 138 of the Negotiable Instrument Act. The petitioner-accused has been sentenced to undergo simple imprisonment for a term of 6 months and to pay fine of Rs. 3,000/-. The petitioner has also been directed to pay Rs.70,000/- as compensation to the complainant.

The brief facts necessary for decision of the case are that according to the complaint filed by the complainant, the petitioner-accused had issued three cheques for Rs. 30,000/-, dated 5.2.2003; for Rs.20,000/- dated 15.2.2003 and another cheque for Rs.20,000/- dated 20.2.2003 in favour of the complainant. On presentation of the said cheques in bank, they were returned on account of insufficient funds leading to the filing of the complaint.

Now the parties have filed a joint application before me that they have compromised the matter and the same may be compounded. This application is signed by counsel for both the parties and is supported by the affidavits of both the parties. Both the counsel admits that the matter has been compromised. Learned

counsel for the complainant submits that the matter has been compounded and his client does not want to proceed with the criminal complaint and appropriate order may be passed.

In view of the joint application having been moved by the parties for compounding the matter between themselves, the judgments of the Additional Sessions Judge in case No. IFTC/10 of 2007, decided on 12.7.2007 as well as judgment dated 23/29.1.2007 passed by the Judicial Magistrate Ist Class, Nalagarh in Criminal Complaint No. 120/3 of 2003 are set aside. The conviction and sentence imposed upon the accused-petitioner is set aside and the complaint is disposed of as having been compounded between the parties. The Revision Petition is disposed of.

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September 7, 2007(K) (Deepak Gupta), J.